

**REMARKS**

The Examiner considered the arguments set forth in the previous Response, but the Examiner now indicates that those arguments are moot in view of the new grounds of rejection set forth in the present Office Action. Essentially, the Examiner has replaced previously applied reference Fischer et al. (U.S. Patent No. 5,889,772) with a new reference Uyesugi et al. (U.S. Patent No. 5,949,777), to support the rejections of claims 2-6 and 8. Specifically, claim 2 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Buchholz et al. (U.S. Patent No. 5,555,266) in view of Bauchot et al. (U.S. Patent No. 6,141,336), in further view of Uyesugi. Claims 3 and 5 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Buchholz and Bauchot in view of Uyesugi, and in further view of Johnston (U.S. Patent No. 6,064,649). Claim 4 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Buchholz and Bauchot in view of Uyesugi, and in further view of Patel (U.S. Patent No. 5,953,706). Claim 6 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Buchholz, Bauchot and Uyesugi, in view of Johnston, and in further view of Patel. Claim 8 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Buchholz in view of Uyesugi.

**§ 103(a) Rejections (Buchholz / Bauchot / Uyesugi) - Claim 2**

Claim 2 is rejected for the reasons set forth on pages 2-4 of the Office Action. Applicant traverses this rejection at least based on the following reasons.

In the previous Response, Applicant argued that the prior art does not teach or suggest the feature of independent claim 2 of wherein the step (c) allocates the wireless resource when the error occurs in the received data without informing the corresponding wireless terminal of error

occurrence. The Examiner concedes that Buchholz et al. and Bauchot et al. do not disclose this feature of the claims. Instead, the Examiner now asserts that Uyesugi discloses this feature.

In the present Office Action, the Examiner cites and quotes directly from col. 9, lines 47 – 67, and col. 10, lines 1-7 of Uyesugi as allegedly disclosing the above-mentioned feature of claim 2. The cited/quoted portion of Fischer is simply directed to the way in which the terminate and stay resident system (TSR) 502 of the personal computer communicates with the wireless communication processor (WCP) 508 of the wireless personal area network (PAN) adapter. Nowhere, however, does the quoted portions of Uyesugi disclose or suggest the particular features described in the paragraph above. For example, the claimed “error” that occurs in claim 2 is the error in the data that is received from a wireless terminal in the access point. Uyesugi does not disclose or suggest that the error that is mentioned in the cited/quoted portions is error in data that is received from a wireless terminal in an access point. In fact, the error that is referred to in the quoted/cited portion of Uyesugi appears to relate to data that is received at the TSR, which Applicant believes the Examiner thinks corresponds to the claimed wireless terminal, from the WCP; the error mentioned in Uyesugi does NOT appear to relate to error in data transmitted from a wireless terminal. Therefore, at least based on the foregoing, Applicant submits that independent claim 2 is patentably distinguishable over the applied references, either alone or in combination.

§ 103(a) Rejections (Buchholz / Bauchot / Uyesugi / Johnston) - Claims 3 and 5

Applicant submits that dependent claims 3 and 5 are patentable at least by virtue of their dependency from independent claim 2. Johnston does not make up for the deficiencies of the other references.

**§ 103(a) Rejections (Buchholz / Bauchot / Uyesugi / Patel) - Claim 4**

Applicant submits that dependent claim 4 is patentable at least by virtue of its dependency from independent claim 2. Patel does not make up for the deficiencies of the other references.

**§ 103(a) Rejections (Buchholz / Bauchot / Uyesugi / Johnston / Patel) - Claim 6**

Applicant submits that dependent claim 6 is patentable at least by virtue of its dependency from independent claim 2. Patel does not make up for the deficiencies of the other references.

**§ 103(a) Rejections (Buchholz / Uyesugi) - Claim 8**

Applicant submits that independent claim 8 is patentable at least based on reasons similar to those set forth above with respect to independent claim 2.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

**RESPONSE UNDER 37 C.F.R. § 1.111**  
**U. S. Application No. 09/476,372**

**ATTORNEY DOCKET NO. Q57096**

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

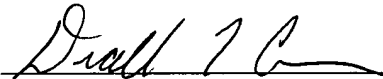
Respectfully submitted,

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

  
Diallo T. Crenshaw  
Registration No. 52,778

Date: October 4, 2005